

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF GROSSE ILE TOWNSHIP,

Plaintiff-Appellant,

v

MICHAEL ALAN DEMBINSKI,

Defendant-Appellee.

UNPUBLISHED

February 7, 2006

No. 256429

Wayne Circuit Court

LC No. 03-500083

Before: Meter, P.J., Whitbeck, C.J., and Schuette, J.

PER CURIAM.

Plaintiff People of Grosse Ile Township (Gross Ile) appeals by delayed leave granted from a circuit court order affirming a district court's order of dismissal. We reverse and remand. We decide this appeal without oral argument.¹

We review a trial court's factual findings at a suppression hearing for clear error, but we review the ultimate ruling on a motion to suppress de novo.² "In order to effectuate a valid traffic stop, a police officer must have an articulable and reasonable suspicion that a vehicle or one of its occupants is subject to seizure for a violation of law."³ Thus, an officer may stop a vehicle if he has probable cause to believe a traffic violation has occurred or was occurring.⁴ An actual violation of the vehicle code need not be proved; all that is required is that the officer had a reasonable suspicion that a violation may have occurred.⁵

Following the suppression hearing, the trial court found that the police officer witnessed defendant Michael Dembinski make a turn without signaling. The driver of a vehicle is required

¹ MCR 7.214(E).

² *People v Davis*, 250 Mich App 357, 362; 649 NW2d 94 (2002).

³ *People v Williams*, 236 Mich App 610, 612; 601 NW2d 138 (1999).

⁴ *Davis, supra* at 363; *Whren v United States*, 517 US 806, 810; 116 S Ct 1769; 135 L Ed 2d 89 (1996).

⁵ *People v Fisher*, 463 Mich 881-882; 617 NW2d 37 (2000) (Corrigan, J., concurring).

to signal before turning.⁶ The failure to signal constitutes a civil infraction.⁷ A police officer who witnesses the commission of a civil infraction “may stop the person, detain the person temporarily for purposes of making a record of vehicle check,” and issue a written citation.⁸ In this case, the officer had probable cause to stop Dembinski’s vehicle. The trial court nevertheless determined that because the officer did not stop Dembinski’s vehicle immediately but waited five to ten minutes (during which time Dembinski had pulled off the road to avoid the officer), the officer was no longer motivated by the traffic violation but initiated the stop to investigate possible drunk driving. The constitutional reasonableness of the stop does not depend on the actual motivations of the officer involved.⁹ In other words, “objective facts known to the police officers who effected the traffic stop should be considered in determining whether the stop was justified by [probable cause] regardless of whether the officers subjectively relied on those facts.”¹⁰

We reverse and remand for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Patrick M. Meter
/s/ William C. Whitbeck

⁶ MCL 257.648(1).

⁷ MCL 257.648(4).

⁸ MCL 257.742(1).

⁹ *Whren*, *supra* at 813.

¹⁰ *People v Oliver*, 464 Mich 184, 200; 627 NW2d 297 (2001).